

REMARKS

Claims 23-41 are pending in the present application. Claim 23 is the sole independent claim.

35 U.S.C. § 103(A) HIMORI/LOEPPERT REJECTION

Claims 23-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,512,833 to Himori et al. and further in view of U.S. Patent 5,870,482 to Loeppert et al. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed for the following reasons.

Applicants respectfully assert that U.S. Patent 6,512,833 to Himori et al. does not qualify as prior art against the present application under any provision of 35 U.S.C. § 102. The '833 Himori patent has a publication date of January 28, 2003 and a U.S. filing date of September 19, 2001, neither of which predates Applicants filing date of May 31, 2001. Applicants further respectfully submit that the published U.S. Application corresponding to the '833 Himori patent, U.S. Published Patent Application 2002/0057812 A1 published on May 16, 2002. Accordingly, it does not predate Applicants filing date of May 31, 2001. Finally, Applicants believe the Japanese Patent Publication 2002-101497 is the published priority application of the Himori et al. U.S. Patent. However, the Published Japanese Application was also not published until May 4, 2002, after applicants filing date of May 31, 2001.

As a result as far as applicants are aware, no patent or patent application stemming from the '833 Himori U.S. Patent qualifies as prior under any subsection of 35 U.S.C. § 102. Accordingly, Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 103, which relies on Himori, is deficient for at least this reason.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 23-41 in connection with the present application is earnestly solicited.

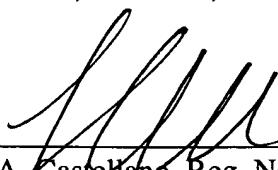
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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